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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,877	05/30/2001	Jesse Ambrose	OIC0157C1US	4487

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CSA LLP
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EXAMINER

QUELER, ADAM M

ART UNIT	PAPER NUMBER
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2178

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/866,877

Applicant(s)

AMBROSE ET AL.

Examiner

Adam M. Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24, 28-32, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-24, 28-32, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment and 1/12/2007.
2. Claims 21-24, 28-32, 34 and 35 are pending. Claims 21 and 28 are independent claims.

Specification

3. The use of the trademark Unix® has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

4. **Claims 21-24, 28-32, and 34-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The term "Unix-based" in claims 21 and 28 is a relative term, which renders the claim indefinite. The term "Unix-based" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

Additionally, if a trademark or trade name (such as Unix®) is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of the 35 U.S.C. 112, second paragraph. See *Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982)*. The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. In fact, the value of a trademark

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would be lost to the extent that it became descriptive of a product, rather than used as an identification of a source or origin of a product. Thus, the use of a trademark or trade name in a claim to identify or describe a material or product would not only render a claim indefinite, but would also constitute an improper use of the trademark or trade name.

The independent claim also introduce "thin client user interface," language that is similar to that which was previously removed to overcome §112 2nd paragraph rejections. Although the "user interfaces" language appears to alleviate previous inconsistencies between the specification language and claimed "thin clients", the term "thin client user interface" in the claims is still a relative term which renders the claim indefinite. The term is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. Applicant previously pointed to a 9 page passage that allegedly sets forth the standard for ascertaining the requisite degree. This section itself is filled with relative terms that seek to define a thin client. For example, "a very small software footprint", "minimal amounts of RAM and CPU". These relative terms cannot set the requisite standard since they themselves are relative terms.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 21, 22, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bayeh et al. (US006633914B1).**

Regarding independent claim(s) 21, Bayeh teaches at least a first and second client computer (Fig. 2, 30a-c). Bayeh teaches the clients are Unix-based and non-Unix-based (col. 4, ll. 6-9). Bayeh teaches a server comprising a memory (col. 3, line 44, configuration similar to client col. 4, ll. 27-28). Bayeh teaches a server comprising an object manager, the web server, comprising business objects that contain business logic, the servlets (col. 4, ll. 49-64). Bayeh teaches the server handles the requests from the clients and dispatches them to the servlets or objects (col. 5, ll. 2-15), as well tracks whether they are in-use (col. 1, ll. 60-62), and therefore provides common control and monitoring. Bayeh teaches at least a first and second request which are entered by thin client user interfaces (Web Clients, col. 5, ll. 2-6). Bayeh teaches that each object returns results (col. 6, ll. 5-8). Therefore the requests were processed in accordance with the object, and received by the object manager and forwarded to the client.

Regarding independent claim(s) 28, Bayeh teaches a server comprising an object manager, the web server, comprising business objects that contain business logic, the servlets (col. 4, ll. 49-64). Bayeh teaches the server handles the requests from the clients and dispatches them to the servlets or objects (col. 5, ll. 2-15), as well tracks whether they are in-use (col. 1, ll. 60-62), and therefore provides common control and monitoring. Bayeh teaches at least a first and second request (col. 5, ll. 2-6) from a first and second client computers (Fig. 2, 30a-c). Bayeh teaches the clients are Unix-based and non-Unix-based (col. 4, ll. 6-9). Bayeh teaches that each object returns results (col. 6, ll. 5-8). Therefore the requests were processed in accordance with the object, and received by the object manager and forwarded to the client.

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Regarding dependent claim(s) 22, Bayeh teaches the object manger is multi-threaded, and therefore inherently multi-tasking (col. 1, ll. 52-55).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh.**

Regarding dependent claim(s) 31 and 32, Bayeh does not expressly describe a sales business object or customer service business object. The broadest reasonable interpretations of these objects are objects that return results pertinent to sales and customer service, respectively. Bayeh instead teaches a general object and is silent as to the type of data being received. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. All the functions of the apparatus would be performed the same way regardless of whether the objects returned sales data, customer service data, or any type of data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to return results of any category (including sales and customer service), therefore having any category of object (including a sales business object and a customer service business object)

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because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

9. Claims 23, 24, 29-30, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh in view of Applicant's Admitted Prior Art.

Regarding dependent claim(s) 23, 24, Bayeh does not explicitly teach a particular web client.

Applicant admits that both Java and ActiveX were previously used for web clients (p. 1, lines 20-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to use either an Java or ActiveX thin client user interface as the client for what Applicant admits was the previously known advantages of maintaining the server GUI, and taking advantage of TCP/IP in a business friendly manner, as well as being a previously known accepted web client.

Regarding dependent claim(s) 34 and 35, Bayeh teaches at least a first and second request, which are entered by thin client user interfaces (Web Clients, col. 5, ll. 2-6). Bayeh does not explicitly teach a particular web client. Applicant admits that both Java and ActiveX were previously used for web clients (p. 1, lines 20-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to use either ActiveX or Java as the thin client user interface for what Applicant admits was the previously known advantages of maintaining the server GUI, and taking advantage of TCP/IP in a business friendly manner, as well as being a previously known accepted web client.

Regarding dependent claim(s) 29, Bayeh does not specifically mention encryption, however does operate under the HTTP protocol. Applicant admits (as per MPEP 2144.03.C, no traversal of Official Notice of 06/02/2006 is taken as an admission) that HTTPS an encrypted version of HTTP was well-known and frequently used in place of HTTP when security was necessary at

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the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use HTTPS rather the HTTP to prevent unauthorized data intrusion, a well-known desirable goal at the time of the invention.

Regarding dependent claim(s) 30, Bayeh does not specifically mention authentication, however does operate under the HTTP protocol. Applicant admits (as per MPEP 2144.03.C, no traversal of Official Notice of 06/02/2006 is taken as an admission) that HTTP requests requiring authentication were well-known and frequently used when security was necessary at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use HTTP authentication to prevent unauthorized data intrusion, a well-known desirable goal at the time of the invention.

Response to Arguments

10. Applicant's arguments filed 1/12/2007 have been fully considered but they are not persuasive.

Applicant alleges the amendments overcome the prior art. However, the claims are still rejected as explained in the rejections above.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

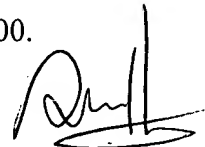
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Queler whose telephone number is (571) 272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



STEPHEN HONG
SUPERVISORY PATENT EXAMINER

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